

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARIA ALSINA ORTIZ, * CIVIL 98-1893 (JAG)
* Plaintiff,
*
* vs. * San Juan, Puerto Rico
* November 28, 2005
EMILIO CASTILLO, ET AL., *
* Defendants. *
----- *

EXCERPT OF FIRST DAY OF JURY TRIAL -
TESTIMONY OF EDWIN MELENDEZ

BEFORE THE HONORABLE JAY A. GARCIA-GREGORY,
UNITED STATES DISTRICT COURT JUDGE

BARBARA DACKMAN, RPR, RMR, CRR
(787) 722-0132
bdachman@realwriterspr.com

APPEARANCES

COUNSEL FOR PLAINTIFF

GLENN JAMES HERNANDEZ, ESQ.

COUNSEL FOR DEFENDANTS

LAVINIA APARICIO LOPEZ, ESQ.

JOSUE GONZALEZ ORTIZ, ESQ.

Puerto Rico Department of Justice

1 **THE COURT:** First witness?

2 **MR. JAMES:** For the record, this is Glenn James,
3 attorney of the plaintiff.

4 We had stipulated, the parties, ten exhibits. I'd
5 like for the record to submit the exhibits that they were
6 stipulated by the parties to be admissible. They were
7 provided to Carmen Tacoronte. They are just on the table.

8 **THE COURT CLERK:** One through 10?

9 **THE COURT:** If they are stipulated admitted, they
10 are admitted, okay?

11 **MR. JAMES:** That was part of the Proposed Pretrial
12 Order.

13 Okay, our first witness is Mr. Edwin Melendez.

14 (Whereupon, the witness is duly sworn by the court
15 clerk.)

16 **THE COURT:** (To the interpreter) Would you
17 translate this for the witness, please.

18 Tell him that he has to speak into the microphone
19 in a loud and clear voice so that everybody can hear him.

20 And speak slowly, so whatever you say can be
21 properly translated, okay?

22 **THE WITNESS:** Okay.

23 **THE COURT:** You can start.

24

25

EDWIN MELENDEZ - DIRECT (JAMES)

1 Whereupon,

2 **EDWIN MELENDEZ,**

3 was called as a witness, and after having been duly sworn,
4 was examined and, through the interpreter, testified as
5 follows:

6 **DIRECT EXAMINATION**

7 **BY MR. JAMES:**

8 **Q.** For the record, what is your name, sir?

9 **A.** Edwin Melendez.

10 **Q.** What do you do for a living today, sir?

11 **A.** Maintenance in the Municipality of Vega Baja.

12 **Q.** What is -- for who do you work?

13 **A.** For the Government.

14 **Q.** Who is Mr. Orlando Ocasio Alsina?

15 **A.** An ex-inmate. An ex-inmate that was together with me
16 within an institution.

17 **Q.** When was the last time that you saw Mr. Orlando Ocasio
18 Alsina?

19 **A.** Always.

20 **Q.** My question is: When did you physically see
21 Mr. Orlando Ocasio Alsina? An approximate period of time.

22 **A.** From two to three weeks.

23 **Q.** Okay, where you saw him?

24 **A.** At 308.

25 **Q.** How many times --

EDWIN MELENDEZ - DIRECT (JAMES)

1 **THE COURT:** Could you give us the year when you
2 saw -- you know, what year was this?

3 **THE WITNESS:** It was around the 8th of -- around
4 the 8th of December -- November -- December of '97.

5 **BY MR. JAMES:**

6 **Q.** How many times did you see Mr. Orlando Ocasio Alsina?

7 **A.** Always.

8 **Q.** What do you mean "always"? Always during those three
9 weeks?

10 **A.** Yes.

11 **Q.** How was Mr. Orlando Ocasio Alsina when you saw him?

12 **A.** He was -- he was fine.

13 **Q.** I mean after November 8th of 1997, how was he?

14 **A.** Bad.

15 **Q.** What do you mean that he was not well?

16 **A.** Well, that he would get -- his eyes would turn around
17 and he would get attacks.

18 **Q.** How were his legs?

19 **MS. APARICIO:** Objection. Leading.

20 **MR. JAMES:** I am asking how. I am not telling
21 him --

22 **MS. APARICIO:** You are telling him that something
23 with his leg is wrong.

24 Let him say it.

25 **THE COURT:** No, he was just asking for an

EDWIN MELENDEZ - DIRECT (JAMES)

1 observation concerning his legs. So it's overruled.

2 BY MR. JAMES:

3 Q. How were his legs?

4 A. From his waist down, they were dead.

5 Q. And how looked the semblance of Mr. Orlando Ocasio
6 Alsina?

7 A. Bad. Bad.

8 Q. Who saw Mr. Orlando Ocasio Alsina during that
9 period -- those three weeks that you stated for the record?

10 MR. GONZALEZ: Objection. Hearsay.

11 MR. JAMES: I asked him who saw Mr. Orlando Ocasio
12 Alsina.

13 THE COURT: Overruled.

14 THE WITNESS: Lieutenant Ocasio (sic).

15 BY MR. JAMES:

16 Q. Okay.

17 Who is Mr. Emilio Castillo?

18 MR. GONZALEZ: Objection. Leading.

19 MS. APARICIO: Leading.

20 MR. JAMES: That is not leading. I am asking who
21 is --

22 MS. APARICIO: You gave him the name you asked in
23 the prior question.

24 MR. JAMES: Your Honor, it's not leading. I am
25 asking who is -- it is an open question. It's not a leading

EDWIN MELENDEZ - DIRECT (JAMES)

1 question that you should answer with a "yes" or "no." In
2 this case I am asking who is Lieutenant Emilio Castillo.

3 **THE COURT:** Sir, were you in the same cell block
4 as Mr. Ocasio Alsina?

5 **THE WITNESS:** Yes.

6 **THE COURT:** And can you give us the name of the
7 correctional officers that you remember would be around with
8 you at that time?

9 **THE WITNESS:** Well, Lieutenant Castillo.

10 **THE COURT:** Any others?

11 **THE WITNESS:** No more.

12 **BY MR. JAMES:**

13 **Q.** Okay.

14 Just for the record, who you saw looking at Orlando
15 Ocasio Alsina during those three weeks that you stated after
16 November 8th of 1997?

17 **A.** Who would he see?

18 **Q.** Who you know that saw Mr. Orlando Ocasio Alsina after
19 November 8th of 1997?

20 **MR. GONZALEZ:** Objection.

21 Speculative and hearsay.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** He was seen by Lieutenant...

24 **BY MR. JAMES:**

25 **Q.** Okay, sir -- okay.

EDWIN MELENDEZ - DIRECT (JAMES)

1 Who was Emilio Castillo, sir?

2 **MR. GONZALEZ:** Objection.

3 Asked and answered.

4 **MS. APARICIO:** He's giving him the name to the
5 prior question.

6 **THE COURT:** Overruled.

7 **BY MR. JAMES:**

8 **Q.** Who was Emilio Castillo?

9 **A.** That man who is sitting right there (indicating).

10 **Q.** Okay.

11 When was the last time that you saw Mr. -- the man
12 that you just pointed for the record, sir?

13 **MR. GONZALEZ:** Objection.

14 Assuming facts.

15 **THE COURT:** Overruled.

16 **THE WITNESS:** When I saw him?

17 **BY MR. JAMES:**

18 **Q.** The last time.

19 **A.** Well, the last time before seeing him here?

20 **Q.** Yes, sir.

21 **A.** Well, at 308. At the institution.

22 **Q.** Okay.

23 And how many times you saw Mr. Emilio Castillo looking
24 at Orlando Ocasio Alsina during those three weeks that you
25 stated for the record after November 8th of 1997?

EDWIN MELENDEZ - DIRECT (JAMES)

1 MR. GONZALEZ: Objection --

2 THE COURT: Excuse me.

3 Did you ever -- at any time you mentioned that there
4 was a lieutenant that would take care of you in the cell
5 block that you were. Who was that lieutenant.

6 THE WITNESS: That would take care of us?

7 THE COURT: Um-hmm.

8 THE WITNESS: That would be concerned for us? No.

9 THE COURT: Who would keep custody of you, you
10 know, when you were taken out of the cell block and you were
11 led to some other place?

12 THE WITNESS: Well, the one who took care of us
13 there was the officer who was there at the hall.

14 THE COURT: Okay.

15 And do you remember his name?

16 THE WITNESS: No.

17 BY MR. JAMES:

18 Q. Okay.

19 Where did you see Orlando Ocasio Alsina during those
20 three weeks that you stated for the record?

21 A. At 308.

22 Q. Okay.

23 In what part of 308, sir?

24 A. In the cell. Otherwise in the dining and living area.

25 Q. And who do you know that saw, in that particular area,

EDWIN MELENDEZ - DIRECT (JAMES)

1 Mr. Orlando Ocasio Alsina?

2 **A.** Lieutenant Castillo.

3 **Q.** Okay.

4 How did Mr. Orlando Ocasio Alsina look physically when
5 Mr. Emilio Castillo saw him?

6 **MR. GONZALEZ:** Objection. Foundations.

7 **THE WITNESS:** Not well.

8 **THE COURT:** Overruled.

9 **BY MR. JAMES:**

10 **Q.** When was the first time that you saw Mr. Emilio
11 Castillo looking to Orlando Ocasio Alsina?

12 **A.** Always.

13 **Q.** How many times during those three weeks, sir?

14 **A.** Every day.

15 **Q.** Where was Mr. Emilio Castillo looking to Orlando
16 Ocasio Alsina?

17 **A.** In the cell. Otherwise in the dining hall area.

18 **Q.** Okay.

19 And what happened the first time that you saw
20 Mr. Emilio Castillo seeing Orlando Ocasio Alsina?

21 **THE INTERPRETER:** The first time?

22 **BY MR. JAMES:**

23 **Q.** What happened the first time -- let me strike the
24 question for the record. I want to clear it out.

25 What happened the first time that you saw Emilio

EDWIN MELENDEZ - DIRECT (JAMES)

1 Castillo looking to Orlando Ocasio Alsina?

2 **A.** Nothing. That Orlando Ocasio Alsina asked him to go
3 to the medical area, but he said that he would send an
4 officer to pick him up or that otherwise he could go
5 directly there, but he never sent an officer to get him or
6 he didn't go pick him up either.

7 **Q.** You stated for the record that you saw in three weeks
8 Mr. Emilio Castillo seeing Mr. Orlando Ocasio Alsina. When
9 did you see Mr. Emilio Castillo helping Mr. Orlando Ocasio
10 Alsina?

11 **A.** Never.

12 **Q.** Why was Mr. Emilio Castillo around the area of the
13 cell when you saw him? What he was doing, sir?

14 **A.** Doing the rounds.

15 **Q.** What were his duties that particular time, sir, when
16 he was giving the rounds?

17 **MR. GONZALEZ:** Objection. Speculative.

18 **THE COURT:** You have to lay a foundation for that.
19 Now is he going to know the duties of the ---

20 **MR. JAMES:** Okay.

21 **BY MR. JAMES:**

22 **Q.** What did usually Mr. Emilio Castillo do during that
23 time that he went through the cell?

24 **A.** Nothing. What they did was they would go doing the
25 rounds and they would watch to see that everything was okay.

EDWIN MELENDEZ - DIRECT (JAMES)

1 **Q.** And during those times that you saw him through the
2 cells and Orlando Ocasio Alsina was there also, when did
3 Mr. Emilio Castillo help Mr. Orlando Ocasio Alsina?

4 **A.** Never.

5 **Q.** When you saw Mr. Emilio Castillo take to the infirmary
6 Mr. Orlando Ocasio Alsina?

7 **A.** Never.

8 **Q.** What noises, if any, was making Mr. Orlando Ocasio
9 Alsina at his cell?

10 **A.** He would just start yelling and saying that he wanted
11 to be taken to the medical area because -- he wanted to be
12 helped to go to the medical area because he did not want to
13 die in the institution.

14 **Q.** When Mr. Emilio Castillo went to his cell, Mr. Orlando
15 Ocasio Alsina yelled any time?

16 **MS. APARICIO:** Objection. Leading.

17 **THE WITNESS:** That's right.

18 **THE COURT:** Overruled.

19 **BY MR. JAMES:**

20 **Q.** How did Mr. Orlando Ocasio Alsina look every day that
21 went through, sir?

22 **MR. GONZALEZ:** Objection. Asked and answered.

23 **MR. JAMES:** This hasn't been asked, your Honor.

24 **THE COURT:** Overruled.

25 **THE WITNESS:** Well, he seemed bad. Every day days

EDWIN MELENDEZ - DIRECT (JAMES)

1 would go by, he was worse.

2 BY MR. JAMES:

3 Q. What would make you believe that he was getting worse
4 every day that went through, sir?

5 MS. APARICIO: Objection.

6 MR. GONZALEZ: Objection.

7 THE COURT: Overruled.

8 THE WITNESS: What?

9 BY MR. JAMES:

10 Q. What did make you believe that every day that went
11 through, Mr. Orlando Ocasio Alsina got worse?

12 A. Because every day that would go by, he would feel
13 worse and he would start complaining.

14 Q. How would Mr. Orlando Ocasio Alsina be taken from one
15 place to another place, sir?

16 A. Well, we, the prisoners, would take him to the area
17 where we bathe ourselves. We would take him to the area
18 where we eat.

19 Q. And how the prisoners took Mr. Orlando Ocasio Alsina?

20 A. In a wheelchair.

21 Q. Okay, sir.

22 When you were in Bayamon, what would happen to you if
23 you got sick, sir?

24 A. Well, the hall officer would take you to the medical
25 area.

EDWIN MELLENDEZ - CROSS (APARICIO)

1 **MR. JAMES:** I have no further questions, your
2 Honor.

3 **MS. APARICIO:** For the record, Attorney Lavinia
4 Aparicio.

5 **CROSS-EXAMINATION**6 **BY MS. APARICIO:**

7 **Q.** Okay, you were asked by Brother Counsel when did you
8 see for the first time Orlando Ocasio Alsina. When was
9 that, please?

10 **A.** When was that?

11 That was two to three weeks.

12 **Q.** Two to three weeks when?

13 **A.** Two or three weeks inside the cell.

14 **Q.** Okay.

15 Can you tell me what year, month?

16 **A.** October.

17 **Q.** October what year?

18 **A.** Of '97.

19 **Q.** Okay.

20 Do you remember which three weeks from October?

21 **A.** October 8, '97.

22 **Q.** Did something particular happen that day that you
23 remember the exact date?

24 **A.** No.

25 **Q.** Okay, so you saw Ocasio Alsina the first time the

EDWIN MELENDEZ - CROSS (APARICIO)

1 8th day of November? That was the first time?

2 **A.** Yes. From then on we were together until the mess
3 that happened happened.

4 **Q.** So you never met him before.

5 **A.** No. I met him when I fell in the institution in the
6 area where he was.

7 **Q.** Were you involved in the November 8th riot at the
8 Bayamon facility?

9 **A.** That's right.

10 **Q.** Why did you get involved in the riot?

11 **A.** Well, because the riot broke out, and after that
12 happened, everybody has to get into the riot.

13 **Q.** So you met Ocasio Alsina during the riot.

14 **A.** No, before the riot.

15 **Q.** How long before?

16 **A.** Before. In October.

17 **Q.** So if you saw him on the 8th day of November and you
18 met him three weeks before, that means -- and you met him
19 three weeks before, that means you met him during the middle
20 of October.

21 **A.** Aha.

22 **Q.** And you met him for the first time at Annex 308.

23 **A.** Aha.

24 **Q.** Sir, the truth is that you are lying because Ocasio
25 Alsina got to --

EDWIN MELENDEZ - CROSS (APARICIO)

1 **MR. JAMES:** Objection, your Honor.

2 **THE COURT:** What?

3 **MR. JAMES:** She's arguing with the witness. She's
4 saying that he's lying, and that's totally improper.

5 **THE COURT:** You cannot argue with the witness.

6 **MS. APARICIO:** Okay, your Honor, I will rephrase,
7 then.

8 **BY MS. APARICIO:**

9 **Q.** If Orlando Ocasio Alsina arrived for the first time at
10 the Bayamon facility the 6th day of October, how come -- I
11 am sorry, November -- how could you have met him during the
12 middle of October and met him at Annex 308? Will you
13 explain that to me?

14 **MR. JAMES:** Objection, your Honor,

15 Lack of foundation of Sister Counsel.

16 **MS. APARICIO:** This is a cross.

17 **MR. JAMES:** She said that Orlando Ocasio Alsina
18 arrived on November 6th. She hasn't -- we haven't
19 established that within the record, your Honor. Lack of
20 foundation.

21 **MS. APARICIO:** Okay.

22 **BY MS. APARICIO:**

23 **Q.** Also, if you met him at -- during the middle of
24 October and you spent about three weeks with him, that means
25 that after the first week of November, you never saw him

EDWIN MELENDEZ - CROSS (APARICIO)

1 again?

2 **A.** The thing is that Orlando was at 448 in Bayamon, at
3 448. There he was rotated to 308, and then that same week I
4 was rotated to 308, which was when I met him.

5 **Q.** So you mean that Orlando Ocasio Alsina was at the
6 Bayamon facility in another section prior to the riot. Is
7 that what you are telling me?

8 **A.** Yes.

9 **Q.** So the truth is you didn't meet him in Annex 308.

10 **A.** He was at 448 in Bayamon. There he was rotated to
11 308, and that same week I was rotated to 308, and that's
12 when I met him.

13 **Q.** Okay.

14 You testified that you saw Ocasio Alsina with his eyes
15 turned and having attacks, right?

16 **A.** Before the riot. Before the riot. But he went in
17 breaking the habit, and he would be walking and he would
18 move.

19 **Q.** So you saw this happening before the riot?

20 **A.** What?

21 **Q.** That you saw him turning his eyes and experiencing
22 some attacks.

23 **A.** No, not before the riot. Before the riot he would
24 walk. The thing is, when he came into the institution, he
25 was breaking the habit, and so he was weak. I mean, he had

EDWIN MELENDEZ - CROSS (APARICIO)

1 to walk hanging onto things, but he would walk.

2 Q. So he was walking weak before the riot.

3 A. Weak.

4 Q. What else did you observe about Ocasio Alsinas health
5 condition prior to the riot?

6 A. When he was breaking the habit, he was recovering, and
7 then when the riot occurred that he got that hit, that's
8 when he started to -- started suffering.

9 Q. Okay, after you saw him turning his eyes and having
10 attacks and walking weak, did you ever see him in a better
11 condition? Did you ever see him in a better condition?

12 A. He was in a better condition before the riot. Before.

13 Q. Okay, you testified before this Court that his legs
14 were dead. Is that right?

15 A. After the riot.

16 Q. Was something else dead about Ocasio Alsinas? I mean,
17 about his body.

18 A. From the waist down to the feet.

19 Q. And you saw him every day like that?

20 A. Like that.

21 Q. And you said that you --

22 MS. APARICIO: Can I -- may I have a second,
23 please?

24 THE COURT: Um-hmm.

25 (Whereupon, Ms. Aparicio confers with the

EDWIN MELENDEZ - CROSS (APARICIO)

1 defendants.)

2 BY MS. APARICIO:

3 Q. Okay, you testified that you saw Castillo watching
4 Ocasio Alsina -- correct me if I'm wrong -- every day, or
5 all the time? What was it?

6 A. It wasn't that he watched him. It was that he saw
7 him.

8 Q. So you saw Castillo looking at Ocasio Alsina, because
9 you can't tell what he saw. You can tell what he was
10 looking at.

11 A. He would look. When Orlando was in the cell,
12 Lieutenant Ocasio (sic) would go by.

13 Q. Okay, and what happened?

14 A. He would see him when he would complain, and he would
15 ask for help and he wouldn't do anything.

16 Q. Okay.

17 You said that you were housed in the same block as
18 Ocasio Alsina, right?

19 A. No, not housed in the same cell. He lived in the
20 first cell, I lived in the third cell.

21 Q. Who was housed in the cell in the middle between
22 Ocasio Alsina and you?

23 A. No, that one was empty.

24 Q. Okay.

25 Who else was housed at this block?

EDWIN MELENDEZ - CROSS (APARICIO)

1 A. Several inmates.

2 Q. Do you remember names?

3 A. (Indicating in the negative.)

4 Q. So the only friend you had -- if you want to call it
5 friend, you will tell me -- was Ocasio Alsina?

6 MR. JAMES: Objection to the form. Objection,
7 your Honor. Lack of foundation. It hasn't been
8 established, the only friend.

9 MS. APARICIO: Well, he said they spent all the
10 time together.

11 I will rephrase.

12 BY MS. APARICIO:

13 Q. Okay, was Ocasio Alsina the only person with whom you
14 hung out all the time?

15 A. No, we would hang out with other different inmates,
16 but right now I don't recall their names because it's been
17 almost about seven years now.

18 Q. How about at least one name? Can you remember?

19 A. The name I recall is Javier Jopy, and he's in the
20 United States.

21 Q. Okay, somebody else?

22 A. (No response.)

23 Q. Okay, do you remember the names of the correctional
24 officers assigned to your block?

25 A. The thing is that the officer that's there is in the

EDWIN MELENDEZ - CROSS (APARICIO)

1 hall area. He's not inside the facilities.

2 Q. But the truth is that you saw some officer every day,
3 one or another, but you always every day saw an officer
4 staying there, right?

5 A. The thing is that what would happen there was that the
6 officers that were assigned there would just go there and
7 they would sign in and then they would do a round, and they
8 would go to the intake area, and then they would just leave
9 the section all alone.

10 Q. But you never filed a complaint about that, did you?

11 A. Well, the thing is that in Corrections, if you file a
12 grievance against an officer, then that officer will get it
13 against you.

14 Q. You also mentioned that you saw Castillo looking at
15 Alsina in the lunchroom. Is that right?

16 A. In the area of the lunchroom and in the cell area.

17 Q. The truth is that at that time, there was no
18 lunchroom, wasn't it?

19 **MR. JAMES:** Objection to the form, and lack of
20 foundation.

21 **THE COURT:** Overruled.

22 **THE WITNESS:** What was that?

23 **BY MS. APARICIO:**

24 Q. That the truth is that in 1997, there was not a
25 lunchroom at Section -- Annex 308.

EDWIN MELENDEZ - CROSS (APARICIO)

1 **A.** It's not a lunchroom in itself. It's not like a
2 lunchroom. It's just a little hall where they take all the
3 inmates to go eat. But it's not like a room, or something
4 like that.

5 **Q.** Will you explain to me how did you get there? I mean,
6 where was that hall located at?

7 **A.** It's a long hall. There are different cells. It's a
8 long hall.

9 **Q.** What were the colors of the walls?

10 **A.** Beige color. Beige color and gray.

11 **Q.** Did you ever have lunch at the cell?

12 **A.** No, because we always had lunch outside the cell.

13 **Q.** Okay, who else did you see looking at Ocasio Alsina?

14 **A.** Who else would look at him?

15 **Q.** At Ocasio Alsina.

16 **A.** Well, he would look at different inmates.

17 **Q.** How about correctional officers? Do you remember
18 anyone?

19 **A.** Well, the thing is that what happens is, I repeat
20 again, the officer comes in, he signs in, he looks, and he
21 goes out.

22 **Q.** Did that happen like that every single day?

23 **A.** Well, the thing is, what happens there is that when
24 the officers would go in, since they had the thing with the
25 gangs there, then we would ask them to get us out of there

EDWIN MELENDEZ - CROSS (APARICIO)

1 because we could not live there, and they wouldn't do
2 anything.

3 Q. Did you see at any time a correctional officer
4 offering or actually helping Ocasio Alsina?

5 A. None.

6 Q. Will you explain to me how the sick call system works?

7 **THE INTERPRETER:** I am sorry?

8 **BY MS. APARICIO:**

9 Q. Will you explain to me how the sick call system works?
10 Based on your experience.

11 A. You would fill in a sick call form and you would give
12 it to the officer, and the officer would either not take it
13 to the medical area or they would leave it there in the
14 fishbowl area.

15 Q. Who would provide you with the form?

16 A. The officer. The hall officer.

17 Q. Okay, do you remember on what date did you see
18 Castillo -- Ocasio Alsina asking help to Castillo, as you
19 testified before?

20 A. Well, he would always ask him.

21 Q. So you saw him -- about how many times did you see
22 this?

23 A. I would see that always. I mean, he would always ask
24 him to take him to the medical area or to have an officer
25 take him to the medical area.

EDWIN MELENDEZ - CROSS (APARICIO)

1 Q. Did you see this happening during the month of October
2 at any time?

3 A. No, he started to ask for help after, after the riot
4 occurred.

5 Q. So when -- before the riot, when he was very weak and
6 his eyes were turning and he was having attacks, he never
7 asked -- you never saw that he asked Castillo for help and
8 that Castillo did nothing.

9 A. He started to have problems with his body and to have
10 his eyes roll and having those attacks in his body after the
11 riot.

12 Q. Okay, did Castillo go to the cells area to check on
13 the inmates or to check on the correctional officers?

14 A. He would go to check the officers, and once inside,
15 then he would go and look at the inmates in the section.

16 Q. Did Alsina ever complain to the correctional officers
17 that were working in that cell area?

18 A. Yes.

19 Q. Did he ever complain to Castillo that he told a
20 correctional officer and that they did nothing?

21 **MR. JAMES:** Objection, your Honor.

22 It's misleading, this question. It's hard to
23 understand.

24 **THE COURT:** Overruled.

EDWIN MELENDEZ - CROSS (APARICIO)

1 BY MS. APARICIO:

2 Q. The answer?

3 A. Could you repeat it?

4 THE COURT: Barbara, would you read it, please.

5 (Whereupon, the record is read by the reporter.)

6 THE WITNESS: That's right.

7 BY MS. APARICIO:

8 Q. Okay, you had testified that you heard Orlando Ocasio
9 Alsina screaming. When was that?

10 A. When the riot occurred. When it occurred.

11 Q. For how long? How many days did you see him
12 screaming?

13 A. Well, he would complain every so often.

14 Q. Would you say that every day?

15 A. I would say every day.

16 Q. When would he do that? During the morning, during the
17 afternoon?

18 A. Always. Always.

19 Q. All day long?

20 A. That's right.

21 Q. Every day?

22 A. That's right.

23 Q. Okay.

24 So you conclude that he was in a worse condition
25 because he would scream more?

EDWIN MELENDEZ - CROSS (APARICIO)

1 MR. JAMES: Objection, your Honor.

2 It's an unjust summary of what the witness stated.

3 THE COURT: Overruled.

4 THE INTERPRETER: Repeat the question.

5 BY MS. APARICIO:

6 Q. You testified before that you knew that his health
7 condition was deteriorating because he would scream more and
8 more every day.

9 A. That's right.

10 Q. Do you know why he was screaming?

11 A. Because his body hurt and he would get attacks.

12 Q. Okay, was that because of the drugs withdrawal or
13 because of the health condition he had after the riot?

14 A. Because of the condition after what happened at the
15 riot.

16 Q. Okay.

17 So you never saw anybody else looking at Ocasio
18 Alsina.

19 A. Castillo and several officers that would go in there
20 to do the round in the hall.

21 Q. And do you know who Declet is?

22 A. Declet was a Special Tactics Unit officer.

23 Q. What did he do in the correctional system?

24 A. What he did was go in. He would go in and they would
25 give him complaints about the inmates, and then what he said

EDWIN MELENDEZ - CROSS (APARICIO)

1 was that was what the hall officers are there for.

2 **Q.** So did you go to the hall officers to complain?

3 **A.** No, I would not complain. Orlando was the one that
4 complained. And several inmates would complain to the hall
5 officer as to what they were going to do with Orlando,
6 whether they were going to take him to the medical area or
7 not.

8 **Q.** Okay, you testified before that you would carry Ocasio
9 Alsina around, and also you testified that you would push
10 his wheelchair; is that right?

11 **A.** Well, when he was with the wheelchair, we would push
12 him to take him to the area where he would bathe himself,
13 where we would eat, to go to bed.

14 **Q.** How many people would it take to push him -- to move
15 the wheelchair effectively?

16 **A.** Sometimes I would push it, sometimes another inmate
17 would push it. Different inmates.

18 **Q.** So it took just one person to move him effectively.

19 **A.** Yes, because since it's a wheelchair, one person could
20 push it. It was either me or another different inmate.

21 **Q.** When did you see him for the first time in a
22 wheelchair?

23 **A.** When the riot occurred. After the riot occurred.

24 **Q.** How long after?

25 **A.** I saw him. I saw him until the end of that time,

EDWIN MELENDEZ - CROSS (APARICIO)

1 until I served my time and I went back to the street.

2 **Q.** Sir, but since the riot, when did you first see him in
3 a wheelchair?

4 **A.** Well, when the riot occurred, that was when he had the
5 accident that he had and that's when he was given the
6 wheelchair, after the riot.

7 **Q.** Will you say that a week after the riot he had a
8 wheelchair? Maybe two days?

9 **A.** No, at two -- three days after the riot.

10 **Q.** When did you first meet with Brother Counsel to
11 prepare for this trial?

12 **A.** At his office.

13 **Q.** When? A month ago? A year ago? Six months ago?
14 Five years ago?

15 **A.** That was about two, two to three weeks, at his office.

16 **Q.** And on that day you agreed with him that you would
17 come here and testify.

18 **A.** That's right.

19 **Q.** Did you ever see Castillo (sic) during one single day
20 looking fine after the riot?

21 **A.** That he seemed fine?

22 **Q.** Yeah, except for the problem with his legs.

23 **MR. JAMES:** Objection, your Honor.

24 I think she said "Castillo." I'm not sure, for the
25 record --

EDWIN MELENDEZ - CROSS (APARICIO)

1 MS. APARICIO: I am sorry. If I said "Castillo,"
2 it's Ocasio Alsina.

3 THE WITNESS: That he seemed fine before the riot?

4 BY MS. APARICIO:

5 Q. Yeah. That he wasn't screaming or his eyes weren't
6 turning or -- he just -- he was fine.

7 A. Well, he felt fine. He felt fine before the riot.

8 Q. But never after.

9 A. No.

10 Q. Okay.

11 And you said you saw him every day.

12 A. Uh-huh, at 308, when he was with me.

13 Q. How many times did you go with him to the medical
14 area?

15 A. None.

16 Q. But you were with him all the time.

17 A. Yes, we were -- not just me. I mean, all the inmates
18 that were there.

19 Q. But most of the time when he left his cell, you were
20 with him.

21 A. No. Most of the time when he left his cell, sometimes
22 I was with him, sometimes other different inmates were with
23 him.

24 Q. And you never saw him leaving the cell to go to the
25 medical area?

EDWIN MELENDEZ - CROSS (APARTICIO)

A. **No.**

Q. Never. Are you sure about that?

A. That's right.

MS. APARICIO: I don't have any further questions,
your Honor.

MR. JAMES: I have no questions, your Honor.

THE COURT: You don't have any further questions.

MR. JAMES: No,

THE COURT: Very well.

10 So you are excused.

(The witness is excused.)

(End of excerpt.)

REPORTER'S CERTIFICATE

2 I, BARBARA DACHMAN, Official Court Reporter in the
3 United States District Court for the District of Puerto
4 Rico, appointed pursuant to the provisions of Title 28,
5 United States Code, Section 753, do hereby certify that the
6 foregoing is a true and correct transcript of the
7 proceedings had in the within entitled and numbered cause on
8 the date hereinbefore set forth; and I do further certify
9 that the foregoing transcript has been prepared under my
10 direction.

BARRARA DACHMAN